IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO. 5562 OF 2004

Between:

M.A. Sathar, S/o. M.A. Jabbar,
R/o.H.No.3-32/1/D/8, New Hafizpet, Adityanagar,
Ranga Reddy District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Adilabad Region, Adilabad, Adilabad District.

2. The Depot Manager, APSRTC, Mancherial Depot, Mancherial, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings No. 02/95(72)/2001-MNCL dt. 30-12-2002 as illegal, arbitrary and unjust and consequently set aside the proceedings No. 02/95 (72)/2001-MNCL dt. 30-12-2002 issued by the 2nd respondent.

Counsel for the Petitioner :MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 and 2: SMT.G.JYOTHI KIRAN, Standing Counsel for APSRTC

The Court made the following Order :

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO. 5562 of 2004

ORDER:

This Writ Petition is filed questioning the impugned proceedings dated 30-12-2002 imposing the punishment of withholding the annual increment for a period one year, which shall have the effect of postponing the future increments.

The petitioner contends that imposing such punishment is a major penalty and the same cannot be imposed without conducting an enquiry.

Learned Counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the judgment of this Court in **S.K.Mastan v. Managing Director, APSRTC**, wherein it held that denial of increments with cumulative effect tantamounts to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. No costs.

19-08-2004

usd

To

1. The Regional Manager, APSRTC, Adilabad Region, Adilabad District.
2. The Depot Manager, APSRTC, Mancherial Depot, Mancherial, Adilabad District.

3 Two CD copies